

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Upon entry of this amendment, claims 24-32 are pending in the application. By this amendment, claim 24 has been amended and new claims 31-32 have been added.

Claims 24-25 and 28-30 are rejected under 35 U.S.C. § 102(b) over Garelick (U.S. Patent No. 2,823,671). This rejection is respectfully traversed.

Claim 24 relates to a mask including a frame and a cushion provided to the frame. The cushion, in cross section, has a generally U-shaped configuration defining a face contacting surface. An inner leg of the U-shaped configuration is proximal to the frame and an outer leg defines a distal end spaced away from the frame. The U-shaped configuration includes a connecting portion between the first and second legs that provides the face contacting surface.

The Office Action identifies the face-engaging member 40 of Garelick as a cushion with a U-shaped configuration, including first leg (adjacent frame 11 at about reference numeral 41 in Fig. 5) and second leg at 47. Garelick's second leg 47 is positioned to contact the patient's face in use. Accordingly, Garelick does not disclose a connecting portion between the first and second legs that provides the face contacting surface as recited in claim 24.

Withdrawal of the rejection of claim 24 is respectfully requested.

Claims 25 and 28-30 are allowable by virtue of their dependence on claim 24 and additionally allowable for their recitation of additional patentable subject matter.

Claims 26-27 are rejected under 35 U.S.C. § 103(a) over Garelick. Claims 26-27 should be allowable by virtue of their dependence on claim 24 and additionally allowable for their recitation of additional patentable subject matter.

New claims 31-32 have been added. Entry and allowance of these new claims is respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all claims are patentable and that the entire application is in condition for allowance.

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Appl. No. 10/523,607

October 7, 2009

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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